

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE
LITIGATION

IN RE COMBINED WORLD TRADE
CENTER AND LOWER MANHATTAN
DISASTER SITE LITIGATION

**STIPULATED ORDER OF DISMISSAL
WITH PREJUDICE PURSUANT TO
FINAL SETTLEMENT AGREEMENT**

Richard Brotschul
Kevin Fitzpatrick
Peter Gargano
Kelly Lyons
Patrick Pinsent
Samuel Provisero

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

21 MC 100 (AKH)

THIS STIPULATED ORDER PERTAINS TO
ALL PLAINTIFFS AND DOCKET
NUMBERS SET FORTH ON EXHIBIT A

IT IS HEREBY STIPULATED AND AGREED by and between certain Plaintiffs represented by Hofmann & Schweitzer, identified on Exhibit A hereto ("Plaintiffs"), and the Defendants identified on Exhibit B ("Settling Defendants") that:

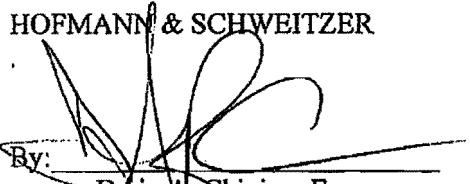
1. Plaintiffs and Settling Defendants have entered into a settlement agreement resolving all claims by Plaintiffs against Settling Defendants in the above-captioned action.

2. Plaintiffs have executed releases and covenants not to sue in which Plaintiffs have released the Settling Defendants and each of them from any and all obligations and liability to Plaintiffs for past, present, and future injuries arising out of or relating in any way to World


Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001. Accordingly, Plaintiffs' claims against the Settling Defendants and each of them shall be dismissed, and hereby are dismissed, with prejudice;

3. The Primary Plaintiffs identified on Exhibit A also have executed before a notary public documents evidencing their understanding that they are foreclosed from suing the Settling Defendants or any of them in the future for currently unknown, future injuries arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, regardless of whether such currently unknown, future injuries arise out of or relate in any way to the injury(ies) each Primary Plaintiff has pleaded in this action. Such understanding shall be, and hereby is, judicially noticed.

HOFMANN & SCHWEITZER

By: 
Dario A. Chinigo, Esq.
Attorneys for Plaintiffs
360 West 31st Street, Ste. 1506
New York, NY 10001

PATTON BOGGS LLP

By: 
James E. Tyrrell, Jr., Esq.
Attorneys for all Defendants
The Legal Center
1 Riverfront Plaza, Ste. 600
Newark, NJ 07102

Dated: January 14, 2011

Dated: February 24, 2011
~~January~~, 2011

SO ORDERED, this 25 day of Feb, 2011,



ALVIN K. HELLERSTEIN
United States District Judge

Exhibit A – List of Plaintiffs

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
1	Brotschul	Richard			Noc 2/18/10	100
2	Fitzpatrick	Kevin	Fitzpatrick	Claudia	06cv12063	100
3	Gargano	Peter			Noc 3/30/10	100
4	Lyons	Kelly	Lyons	Laurie	Noc 11/9/09	100
5	Pinsent	Patrick			Noc 3/19/10	100
6	Provisero	Samuel	Provisero	Susan	05cv224	100